

IN THE CIRCUIT COURT
FOR ALLEGANY COUNTY, MARYLAND

STATE OF MARYLAND

v.

CAMERON ELIJAH NAECKER,
Defendant

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Case No.: C-01-CR-23-000588

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OMNIBUS MOTION PURSUANT TO MARYLAND RULE 4-252 and 4-253

Now comes the above-captioned Defendant, by Raymond F. Weston, Assistant Public Defender, and respectfully moves, pursuant to Maryland Rule 4-252 and 4-253, that

1. All the charges against the defendant be dismissed based upon defects in the institution of the prosecution;

2. All charges against the defendant be dismissed based upon defects in the charging document;

3. All evidence be suppressed because of an unlawful search or seizure;

4. All wire and oral communications be suppressed because of an unlawful interception;

5. All judicial and pretrial extrajudicial identifications be suppressed because they are based upon (1) an illegal arrest, (2) a violation of the defendant's right to counsel, and (3) a violation of the defendant's right to due process because (a) all identifications were so unnecessarily and impermissibly suggestive as to give rise to a substantial likelihood of irreparable misidentification, and (b) any in court identification lacks a source independent of the illegal pretrial confrontation or viewing and constitutes fruit of the poisonous tree

6. All admissions, statements, or confessions be suppressed because they were unlawfully obtained;

7. All trials of all co-defendants be severed from the trials of this defendant;
8. All offenses pending against this defendant be severed and tried separately.
9. That this prosecution is barred because of statute of limitations, immunity or for former jeopardy.

Wherefore, the defendant moves for dismissal, suppression, severance and any further relief available by law.

Respectfully submitted,

/S/ Raymond F. Weston
Raymond F. Weston (9212170252)
Assistant Public Defender
30 N. Mechanic Street
Cumberland, MD 21502
(301) 777-2142
raymond.weston@maryland.gov

CERTIFICATES OF SERVICE

I HEREBY CERTIFY, that on the date of filing, a copy of the foregoing was electronically filed through MDEC and served on the State's Attorney for Allegany County.

/S/ Raymond F. Weston
Raymond F. Weston